

OCT - 4 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of

AURIO A. MATOS

LLOYD SANTIAGO-SANTOS AND
LOURDES RODRIGUES-BONET

For a Construction Permit for a
New FM Station on Channel 293A at
Culebra, Puerto Rico

) MM DOCKET NO. 93-89

) File No. BPH-911114MS

) File No. BPH-911115MP

To: Administrative Law Judge
Joseph P. Gonzalez

MASS MEDIA BUREAU'S
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

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October 4, 1993

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I. Introduction

1. By Hearing Designation Order, 8 FCC Rcd 2497 (MMB 1993) ("HDO"), the above-captioned mutually exclusive applications of Aurio A. Matos ("Matos") and Lloyd Santiago-Santos and Lourdes Rodrigues-Bonet ("Santiago/Rodrigues") were designated for a comparative hearing. Each applicant seeks a construction permit for a new FM station to operate on Channel 293A at Culebra, Puerto Rico.

2. The HDO, at ¶ 5, directed the Presiding Judge to consider, under the standard comparative issue, the areas and populations that would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas for the purpose of determining whether a comparative preference should accrue to either of the applicants. The Mass Media Bureau's proposed findings of fact and conclusions of law are limited to this comparative coverage matter.

II. Proposed Findings of Fact

3. The following information regarding the coverage proposed by each applicant is derived from their Joint Engineering Stipulation and Exhibit ("Jt. Ex. 1"), which was received in evidence pursuant to Order, FCC 93M-544 (released August 25, 1993).

A. Comparison of Coverage

4. The following chart provides the total area and population within each applicant's 1 mV/m contour. (Jt. Ex., p. 4):

<u>Applicant</u>	<u>Population¹</u>	<u>Area (Sq. km.)</u>
Matos	69,092	440
Santiago/Rodrigues	1,542	44

B. Other Available Services

5. The parties have stipulated that the proposed service area of each of the applicants is already served by five or more aural services.

III. Conclusions of Law

6. It is well settled that a slight coverage preference will be awarded when an applicant provides substantially greater overall coverage than its opponent, even when the additional service is to areas that are well-served with five or more existing services. *See, Cotton Broadcasting Co.*, 104 FCC 2d 473, 477 (Rev. Bd. 1986); *Christian Broadcasting of Midlands, Inc.*, 99 FCC 2d 578, 582-583 (Rev. Bd. 1984); *Simon Geller*, 90 FCC 2d 250, 268-269, 276 (1982); *Resort Broadcasting Co., Inc.*, 41 FCC 2d 640, 647 (Rev. Bd. 1973).

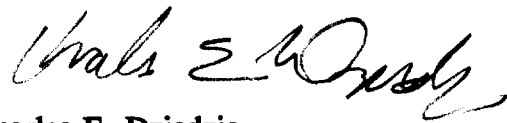
7. In the instant case, Matos would provide substantially greater coverage than Santiago/Rodrigues. Specifically, Matos would provide service to an area that is 10 times larger than that of Santiago/Rodrigues. Moreover, Matos would serve nearly 45 times more persons than Santiago/Rodrigues.

¹ Population figures are based on the 1990 Census.

IV. Ultimate Conclusion

8. Based on the foregoing, Matos is entitled to a slight coverage preference over Santiago/Rodrigues.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I, Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certify that I have, on this 4th day of October 1993, sent by regular First Class United States mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's Proposed Findings of Fact and Conclusions of Law" to:

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